

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: NURTURE BABY FOOD
LITIGATION

Master File No.: 1:21-cv-01217-MKV

This Document Relates To:

All Actions

**[PROPOSED] ORDER GRANTING
STEWART MOVANTS' MOTION FOR
APPOINTMENT OF INTERIM CO-
LEAD COUNSEL AND EXECUTIVE
COMMITTEE PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 23(g)**

VYSKOCIL, District Judge:

WHEREAS, this matter comes before the Court on the Stewart Movants' Motion for Appointment of Lori G. Feldman and Rebecca A. Peterson as Interim Co-Lead Counsel. The Court being fully advised and for good cause shown hereby **GRANTS** the Motion.

Accordingly, IT IS HEREBY ORDERED THAT:

A. Appointments to Interim Counsel Leadership Structure

1. Plaintiffs' Interim Co-Lead Counsel

The Court appoints Lori G. Feldman (George Gesten McDonald, PLLC) and Rebecca A. Peterson (Lockridge Grindal Nauen P.L.L.P.) as Interim Co-Lead Counsel for all Plaintiffs in the above-referenced action (the "Consolidated Action"). Interim Co-Lead Counsel shall assume responsibility for the following duties during all phases of the Consolidated Action:

- a) Coordinating the work of preparing and presenting all of Plaintiffs' claims in the Consolidated Action and otherwise coordinating all proceedings, including organizing and supervising the efforts of Plaintiffs' counsel in a manner to ensure that Plaintiffs' pretrial preparation is conducted effectively, efficiently, expeditiously, and economically;

- b) Delegating work responsibilities and monitoring the activities of all Plaintiffs' counsel in the Consolidated Action, including, but not limited to, those counsel serving on the Interim Executive Committee (as defined in Paragraph 2, below), in a manner to promote the orderly and efficient conduct of this litigation and to avoid unnecessary duplication and expense;
- c) Calling meetings of counsel for Plaintiffs in the Consolidated Action for any appropriate purpose, including coordinating responses to questions of other parties or of the Court, and initiating proposals, suggestions, schedules, and any other appropriate matters;
- d) Determining (after consultation with members of the Interim Executive Committee) and presenting (in briefs, oral argument, or such other fashion as they or their designee may deem appropriate) to the Court and opposing parties the position of the Plaintiffs in the Consolidated Action on all matters arising during pretrial, trial, and post-trial proceedings;
- e) Serving as the point of contact for all communications between Plaintiffs and Defendant in the Consolidated Action, and acting as spokespersons for all Plaintiffs vis-à-vis Defendant and the Court;
- f) Directing and executing on behalf of Plaintiffs the filing of all pleadings, motions, and other documents with the Court in the Consolidated Action;
- g) Appearing at all court hearings and conferences regarding the case as most appropriate for effective and efficient representation, and speaking for Plaintiffs in the Consolidated Action at all such hearings and conferences;
- h) Receiving and initiating communications with the Court and the Clerk of the Court (including receiving orders, notices, correspondence, and telephone calls) and dispensing the content of such communications among Plaintiffs' counsel in the Consolidated Action;
- i) Initiating and conducting discussions and negotiations with counsel for Defendant on all matters, including settlement, in the Consolidated Action;
- j) Negotiating and entering into stipulations with opposing counsel as necessary for the conduct of the Consolidated Action;
- k) Initiating, coordinating, and conducting all discovery on behalf of Plaintiffs in the Consolidated Action in an efficient manner;
- l) Selecting, consulting with, and employing experts for Plaintiffs, as necessary, for the Consolidated Action;

- m) Encouraging and enforcing efficiency among all Plaintiffs' counsel in the Consolidated Action;
- n) Assessing Plaintiffs' counsel for the costs of the Consolidated Action;
- o) Consulting with the Interim Executive Committee to fulfill the Committee's obligations as Interim Co-Lead Counsel shall direct;
- p) Preparing and distributing periodic status reports to the Court and to the parties as ordered;
- q) Developing and recommending, for Court approval, practices and procedures pertaining to attorneys' fees and expenses and, on an ongoing basis, monitoring and administering such procedures. At such time as may be appropriate, Interim Co-Lead Counsel also will recommend apportionment and allocation of fees and expenses subject to Court approval; and
- r) Performing such other duties as are necessary in connection with the prosecution of this Consolidated Action or as may be further directed by the Court.

2. Interim Executive Committee

The Court appoints as members of the Interim Executive Committee Michael Liskow (Calcaterra Pollack LLP), Katherine Van Dyck (Cuneo Gilbert & LaDuca, LLP), Kara A. Elgersma (Wexler Wallace, LLP), Mark R. Rosen (Barrack Rodos & Bacine), and Eddie Jae K. Kim (Carlson Lynch LLP), to work with Interim Co-Lead Counsel in this Consolidated Action.

The Interim Executive Committee may assist Interim Co-Lead Counsel with:

- a) Preparing the consolidated class action complaint and any subsequent amendments as necessary;
- b) Briefing and arguing motions and filing opposing briefs in proceedings initiated by other parties, and to present (by a designee) to the Court and opposing parties the Plaintiffs' positions on matters arising during pretrial and trial proceedings;
- c) Developing and negotiating relevant discovery protocols, including electronic discovery, and stipulations/orders and managing document review;
- d) Conducting discovery on behalf of Plaintiffs consistent with the requirements of the Federal Rules of Civil Procedure, including but not limited to preparation of interrogatories, requests for production of documents, requests for admissions, and the examination of witnesses in depositions;

- e) Managing, implementing, and overseeing third party discovery;
- f) Collecting time, lodestar, and expense reports from each of the law firms working on behalf of the proposed class at the direction of Interim Co-Lead Counsel, including paralegals and any other staff members whose time is expected to be included in any fee petition;
- g) Working with experts including preparing experts for and defending experts in depositions, and preparing for and taking depositions of opposing counsel's experts;
- h) Coordinating on the preparation for trial and trial of this matter, and delegating work responsibilities to selected counsel as may be required;
- i) Researching legal issues, preparing motions, and responding to motions; and
- j) All other responsibilities as may be deemed appropriate by Interim Co-Lead Counsel or as ordered by the Court.

B. Additional Matters

1. Settlement Discussions

Any discussions of a settlement of this litigation shall be conducted by Interim Co-Lead Counsel and any counsel designated by Interim Co-Lead Counsel.

2. Application of this Order

This Order applies to all actions included in the above-captioned consolidated matters and all subsequently consolidated actions.

Interim Co-Lead Counsel must serve a copy of this Order promptly by overnight delivery service, electronic mail, facsimile, or other expeditious electronic means on counsel for Plaintiffs in each related action not yet consolidated in this proceeding to the extent that Interim Co-Lead

Counsel is aware of any such action(s) and on all attorneys for Plaintiffs whose cases have been so consolidated but who have not yet registered for ECF.

SO ORDERED.

MARY KAY VYSKOCIL
United States District Judge

Dated: _____, 2021
New York, NY